

United States Bankruptcy Court
Western District of Virginia
Lynchburg Division

In RE:
Bradley Thomas Combes
Sherry Cash Combes
Debtor

BCN#: 17-61193-RBC
Chapter: 13

Seterus, Inc. as the authorized subservicer
for Federal National Mortgage Association
c/o Seterus, Inc.

Motion for Order Granting Relief

Movant/Secured Creditor,

v.

Bradley Thomas Combes
Sherry Cash Combes
Debtor

and

Herbert L. Beskin
Trustee

Respondents

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

Your Movant, Seterus, Inc. as the authorized subservicer for Federal National Mortgage Association c/o Seterus, Inc., respectfully represents as follows:

1. The bankruptcy court has jurisdiction over this contested matter pursuant to 28 U.S.C. § 157 and § 1334; 11 U.S.C. § 362; and Federal Rule of Bankruptcy Procedure 9014.
2. The above named Debtors filed a Chapter 13 Petition in Bankruptcy with this Court on June 22, 2017.
3. Herbert L. Beskin has been appointed by this Court as the Chapter 13 Trustee in this instant Bankruptcy proceeding.
4. The subject deed of trust secures a parcel of real property (hereinafter “the Property”) with the address of 255 Frost Drive, Concord, VA 24538 and more particularly described in the Deed of Trust dated January 31, 2007 and recorded as Instrument Number 070000806 among the land records of the said city/county, as:

Jon M. Ahern, State Bar Association No: 018218
Sykes, Bourdon, Ahern & Levy, P.C.
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971

That certain tract or parcel of land together with the buildings and improvements situate thereon and any and all privileges and appurtenances thereunto belonging, lying and being in the Long Mountain District, Campbell County, Virginia, being designated as Lot No. 47, containing 0.807 acre, which is shown and described upon that certain plat of survey entitled "Plat Showing Concord Estates Subdivision, Long Mountain Dist., Campbell Co., Virginia", made by Russell E. Nixon, L.S., which said plat is recorded in the Clerk's Office of the Circuit Court of Campbell County, Virginia in Cabinet B, Slide 380, Page 2705.

5. Movant is informed and believes and, based upon the information and belief, alleges that title to the subject Property is currently vested in the name of the Debtor(s).

6. Movant is the holder of a perfected security interest against the debtor in the principal sum as of January, 2018 of \$173,290.53, plus interest, late charges, advances, legal fees and costs.

7. The account is currently in arrears for 6 monthly mortgage installments, with the post-petition reinstatement through January, 2018 being \$9,662.67 calculated as follows:

1 post petition payment due 8/1/17	\$1,444.12
5 post petition payments due 9/1/17 – 1/1/18 @ \$1,437.51	\$7,187.55
BK fees and costs	\$1,031.00
Grand Total	\$9,662.67

8. That the last post-petition payment was received by the Movant from the Debtor on September 26, 2017 in the sum of \$1,438.14 and was applied in arrears to the July, 2017 post-petition mortgage payment.

9. A proof of claim for pre-petition arrears was filed with this Court on Movant's behalf on October 30, 2017, in the amount of \$5,941.39.

10. That the value of the subject property is approximately \$198,800.00 based on the county's tax assessed value of the subject property.

13. Movant has elected to initiate foreclosure proceedings on the Property with respect to the subject Trust Deed, but is prevented by the Automatic Stay from going forward with these proceedings.

14. Continuation of the automatic stay of 11 U.S.C. § 362(a) will work real and irreparable harm and deprive the Movant of the adequate protection to which it is entitled under 11 U.S.C. § 362 due to the aforementioned facts.

WHEREFORE, Movant prays for an order granting relief from Automatic Stay, that the 14 day waiting period imposed by F.R.B.P. 4001(a)(3) be waived in this instant bankruptcy proceeding only, and for such other relief as the court may deem proper..

Dated: January 30, 2018

SYKES, BOURDON, AHERN & LEVY, P.C.
Attorneys for Movant

By: /s/ Jon M. Ahern
Jon M. Ahern, VSB# 018218
SYKES, BOURDON, AHERN & LEVY, P.C.
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971
email: jmahern@sykesbourdon.com

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Certificate of Mailing

I hereby certify that the foregoing Motion for Relief from Stay was forwarded electronically and/or mailed via U.S. Mail on this 30th day of January, 2018, to:

Bradley Thomas Combes
P.O. Box 573
Concord, VA 24538

Sherry Cash Combes
P.O. Box 573
Concord, VA 24538

Janice Hansen
900 Lakeside Drive
Lynchburg, VA 24501

Herbert L. Beskin
P.O. Box 2103
Charlottesville, VA 22902

/s/ Jon M. Ahern
Jon M. Ahern, VSB# 018218

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NOTICE TO PARTIES IN INTEREST

Notice is hereby given that a Hearing will be held before the United States Bankruptcy Court on February 22, 2018 at 9:30 a.m., or as soon thereafter as counsel may be heard, in the United States Courthouse, Room 210, 1101 Court Street, Lynchburg, Virginia 24504, to consider and act upon a Motion of Seterus, Inc. as the Authorized Subservicer for Federal National Mortgage Association c/o Seterus, Inc. for relief from the automatic stay against Debtor filed herein on behalf of Movant.

Dated: January 30, 2018

SYKES, BOURDON, AHERN & LEVY, P.C.
Attorneys for Movant

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281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971
email: jmahern@sykesbourdon.com

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